

**REMARKS**

Favorable reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

No claims have been canceled or added by this amendment. Claims 1 and 4 have been amended. Thus, claims 1-9 are pending in the present application, of which claims 1 and 4 are independent.

**Acknowledgement of Priority Document Receipt Requested**

A certified copy of the priority document was submitted on November 20, 2003. To date, a complete acknowledgement of the USPTO's receipt of the certified copy of the priority document has been properly noted in the prosecution history. In other words, only box 12 has been checked on the Summary page (form PTOL-326) of the Office Action rather than boxes 12(a)(1). The undersigned has no reason to believe that this circumstance implies anything other than a minor oversight on the part of the USPTO. Accordingly, official acknowledgement of the USPTO's receipt of the certified copy of the priority document is hereby respectfully requested.

**Noted – Information Disclosure Statements Considered**

The indication (see Examiner-initialed attachments mailed with Office Action dated May 28, 2008) that the Information Disclosure Statements as filed on November 20, 2003 and December 12, 2007 and references listed therein have been considered is noted with appreciation.

**Noted - Drawings Approved**

The indication (see Office Action Summary, boxes 10(a) of the Office Action dated May 28, 2008 are checked) that the Drawings (submitted on November 20, 2004) have been approved is noted with appreciation.

**Claim Rejection Under 35 U.S.C. §103**

Claims 1-9 are rejected under 35 U.S.C. §103(a) as being unpatentable over Maeda et al. (U.S. Patent No. 6,618,455, hereafter Maeda) in view of Wolf et al. (U.S. Patent No. 6,816,818, hereinafter Wolf).

### **INDEPENDENT CLAIM 1**

As an example, independent claim 1 recites (among other things) the following features:

receiving a first state indication code used by the first synchronization scheme to indicate a state of a clock signal with respect to each of a plurality of clock signals employed in the first synchronization scheme;

converting the first synchronous state indication code used by the first synchronization scheme into a second synchronous state indication code used by the second synchronization scheme when the node apparatus conforming to the second synchronization scheme receives the first synchronous state indication code from the node apparatus conforming to the first synchronization scheme, the second synchronous state indication code being used by the second synchronization scheme to indicate a state of a clock signal with respect to each of the plurality of clock signals employed in the second synchronization scheme.

As will be explained below, at least the above-noted features of claim 1 provide distinctions over each of Maeda and Wolf, and thus over their combination.

Maeda discloses a clock management apparatus for a synchronous network system, in which the clock signal is switched to another clock signal automatically to continue synchronous communication when the quality of a clock signal is deteriorated (Abstract). Specifically, at column 6, lines 44-48, Maeda describes that the network equipment in the synchronous network system fetches a plurality of clock signals and selectively uses a clock signal having a good quality based on the quality information of the clock signals transferred through the S1 bytes in the SOH shown in FIG. 2 or Sa4 to Sa8 bits in the SDH multiframe shown in FIG. 3.

The quality information disclosed in Maeda is directed to a synchronous digital hierarchy (SDH) system. Maeda is silent about two different codes of quality

information implemented by two different synchronization schemes, respectively. Moreover, Maeda is utterly silent about the conversion of the quality information transferred through the S1 bytes in the SOH shown in FIG. 2 or Sa4 to Sa8 bits in the SDH multiframe shown in FIG. 3. At most, Maeda discloses the use of the quality information to determine whether the clock signal being used has good quality. Hence, the above noted features of claim 1, namely "receiving a first state indication code used by the first synchronization scheme to indicate a state of a clock signal with respect to each of a plurality of clock signals employed in the first synchronization scheme; converting the first synchronous state indication code used by the first synchronization scheme into a second synchronous state indication code used by the second synchronization scheme ..., the second synchronous state indication code being used by the second synchronization scheme to indicate a state of a clock signal with respect to each of the plurality of clock signals employed in the second synchronization scheme," provide distinctions over Maeda.

Wolf discloses that, based on the item of master-slave-status information (MSX), the at least one receiver module (MOD 1, MOD2) selects the first clock signal (TS 1) or the second clock signal (TS2) as master synchronization signal for its synchronization (Abstract). This master-slave-status information (MSX) is described at column 7, lines 24-27, in which Wolf states: "the clock generator modules GEN1, GEN2 set the master-slave-status information MSX in the clock signals TS1, TS2 at the values "master" or "slave", for example at logic "1" or "0"."

Wolf is silent about two different codes of master-slave-status information implemented by two different synchronization schemes, respectively. Moreover, Wolf is utterly silent about the conversion of the master-slave-status information MSX set in the clock signals TS1, TS2. In this regards, the Office Action refers to the description at column 2, lines 31-40, and appears to suggest that Wolf discloses different synchronous state indication codes used by different synchronization schemes. In the disclosure at column 2, lines 33-40, however, Wolf only states: "the invention is used in a transmission network, in particular a transmission network with

a synchronous digital hierarchy (SDH) or in a network device of the transmission network, for example in a cross-connect of a SDH transmission network, a SONET network device (SONET=synchronous optical network) or a PDH network device (PDH=plesiosynchronous digital hierarchy).” This disclosure refers to a synchronous digital hierarchy (SDH), a cross-connect of a SDH transmission network, a SONET network device (SONET=synchronous optical network), and a PDH network device as alternatives to each other. That is, only one of these network schemes is used at a time, i.e., Wolf never envisages a situation in which two of these network schemes co-reside. Please note that the term “cross-connect” appearing in the above-noted disclosure does not mean cross-connecting these network schemes, but is a technical term meaning a network transmission apparatus that receives an optical signal from an optical fiber and outputs the received optical signal to another optical fiber. Hence, the noted features, namely “receiving a first state indication code used by the first synchronization scheme to indicate a state of a clock signal with respect to each of a plurality of clock signals employed in the first synchronization scheme; converting the first synchronous state indication code used by the first synchronization scheme into a second synchronous state indication code used by the second synchronization scheme ..., the second synchronous state indication code being used by the second synchronization scheme to indicate a state of a clock signal with respect to each of the plurality of clock signals employed in the second synchronization scheme,” provide distinctions over Wolf.

Among other things, a *prima facie* case of obviousness must establish that the asserted combination of references teaches or suggests each and every element of the claimed invention. In view of the distinctions of claim 1 noted above, at least one claimed element is not present in the asserted combination of references. Hence, the Office Action fails to establish a *prima facie* case of obviousness vis-à-vis claim 1. Claims 2-3 ultimately depend from claim 1, respectively, and so at least similarly distinguish over the asserted combination of references.

Amended independent claim 4 recites (among other things) features similar to the above-noted features of independent claim 1. As such, the asserted combination of references fails to render obvious claim 4 based at least on the features of claim 4 that are similar to the above-noted features of independent claim 1. Claims 5-9 ultimately depend from claim 4, respectively, and so at least similarly distinguish over the asserted combination of references.

In view of the foregoing discussion, the rejection of claims 1-9 is improper. Accordingly, withdrawal of the rejection is respectfully requested.

**Conclusion**

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below. Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 50-4610.

Respectfully submitted,

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